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Petition in the case of M. BURGRAF against the sentence of five years imprisonment passed against him by the G.C.M. at Lüneburg on the 17 th Nov 1945.

The accused M. Burgraf is concerned with the 1st charge / Belsen / only. See charge sheet.

The evidence against him is contained in vol. 17/page 14. and vol. 16/ page 18. The first does not relate to Belsen at all. The evidence given in Court by the accused and his witness Trzos is vol 43/23 - 35.

The accused has been sentenced to five years imprisonment.

In my submission the sentence is not justified for the following reasons:

- 1/ the Court has had before them one affidavit only, made out by a deponent not produced by the prosecution though available / 43/33/
- 2/ the witness Trzos has brought forward the conversation with the deponent throwing a great suspicion on the truthfulness of the deposition.
- 3/ in the case of Burgraf the Court should have called the deponent before them and not leave the matter where it was,
- 4/ the deponent as seen had some personal grievance against the accused - they had a fight before and after the liberation, and a witness so emotionally engaged in the case should be considered with the utmost reserve in respect of what he has alleged in writing.
- 5/ this only deposition is not corroborated,
- 6/ the duties which the accused was performing at Belsen during 7 or 8 days were really in the interest of the prisoners, see in this respect the evidence given by pro-witness Le Druille nec in vol 4/ page 18 and 19 in x - examination by Capt Corbally.
- 7/ the accused himself was again a victim of war and an internee for 4 1/2 years. He was arrested by the British on the 17 th of August 1945.

Lt A. Jedrzejowicz

[Signature]
Defending Officer appointed.